

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DOMINICK RUGGIERO,

Plaintiff,

Civil Action: 1:24-CV-04923

v.

(Bloom, M J.)

MARTIN O'MALLEY¹,
COMMISSIONER OF SOCIAL SECURITY

Defendant.
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STIPULATION AND ORDER FOR REMAND

The parties, through their attorneys, hereby stipulate and agree that this Court reverse and remand the final decision of the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

The parties agree that on remand, the Commissioner will allow plaintiff an opportunity for a new hearing, take further action to complete the administrative record and issue a new decision.

Therefore, based upon the stipulation of the parties, the final decision of the Commissioner is hereby reversed pursuant to sentence four of 42 U.S.C. § 405(g), and the case is remanded for further proceedings consistent with the parties' stipulation. Further, based on the stipulation of the parties, the Clerk of Court is directed to enter final judgment on the complaint in favor of plaintiff, reversing the final decision of the Commissioner.

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Stipulation and Order for Remand

BREON PEACE
United States Attorney
Eastern District of New York
Attorney for Defendant
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201

/s/ Harold Skovronsky
Harold Skovronsky, Esq.
1810 Avenue N
Brooklyn, NY 11230
(718) 336-8104
lawhs@aol.com

/s/ Morris L. Williams, III
Morris L. Williams, III
Special Assistant United States Attorney
Social Security Administration
Office of the General Counsel
(214) 767-9208
morris.williams@ssa.gov

SO ORDERED:

S/MKB

MARGO K. BRODIE
UNITED STATES DISTRICT JUDGE

Dated: October 8, 2024
Brooklyn, New York